

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

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MDL No. 1:13-md-2419-RWZ

This Document Relates to:  
All Cases

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**POST-CONFIRMATION OFFICER'S NOTICE  
REGARDING FURTHER RELIEF FROM PRESERVATION ORDER**

**PLEASE TAKE NOTICE** that, in accordance with the notice procedures established by this Court's *Further Order Concerning Preservation of NECC Property* [Docket No. 177] (the "Modifying Order"), Paul D. Moore, the Post-Confirmation Officer (the "Post-Confirmation Officer")<sup>1</sup> of New England Compounding Pharmacy, Inc., d/b/a New England Compounding Center ("NECC"), hereby intends to archive and store the scanned documents and electronically stored information (the "Preserved Data") preserved by Harris Beach PLLC ("Harris Beach"), which is currently being stored on a searchable server, in an effort to reduce the ongoing costs and expenses associated with storing the Preserved Data. This Notice does not address, and will have no impact on, the U.S. Legal and Rust Omni repositories that are maintained by the Plaintiffs' Steering Committee.

The cost of maintaining the Preserved Data in a searchable format is \$3,000.00 a month. Once the Preserved Data has been archived by Harris Beach, no further charges will be incurred to maintain the Preserved Data. In the unlikely event the Preserved Data would need to be

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<sup>1</sup> The Post-Confirmation Officer formerly served as the chapter 11 trustee of NECC's bankruptcy estate and in that capacity is herein referred to as the "Chapter 11 Trustee."

restored to a searchable platform, that task could be accomplished at the expense of the requesting party.

**ACCORDINGLY, THE POST-CONFIRMATION OFFICER HEREBY NOTIFIES ALL PARTIES TO THIS LITIGATION THAT, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THIS COURT'S MODIFYING ORDER, HE INTENDS TO ARCHIVE AND STORE THE PRESERVED DATA ON AN ARCHIVAL STORAGE PLATFORM.**

**TO THE EXTENT THAT A PARTY OR OTHER PERSON OR ENTITY RECEIVING THIS NOTICE OPPOSES THE RELIEF SOUGHT BY THE POST-CONFIRMATION OFFICER, SUCH PARTY, PERSON OR ENTITY MUST FILE A PRESERVATION REQUEST WITH THIS COURT WITHIN 14 DAYS OF SERVICE OF THIS NOTICE IN ACCORDANCE WITH THE MODIFYING ORDER. ANY PRESERVATION REQUEST MUST SHOW CAUSE WHY THE PRESERVATION ORDER SHOULD NOT BE MODIFIED IN THE MANNER REQUESTED BY THE POST-CONFIRMATION OFFICER SET FORTH HEREIN AND SPECIFICALLY ADDRESS WHETHER THE REQUESTING PARTY AGREES TO BEAR THE ONGOING MONTHLY COSTS AND EXPENSES IN CONNECTION WITH CONTINUING TO STORE THE PRESERVED DATA ON A SEARCHABLE PLATFORM. IF NO PRESERVATION REQUESTS ARE FILED WITHIN THE PRESCRIBED 14-DAY PERIOD, THE POST-CONFIRMATION OFFICER SHALL PROCEED, WITHOUT FURTHER ORDER OF THIS COURT, WITH THE INTENDED ARCHIVING OF THE PRESERVED DATA.**

Dated: October 21, 2016

Respectfully submitted,

PAUL D. MOORE, THE POST-  
CONFIRMATION OFFICER OF NEW  
ENGLAND COMPOUNDING CENTER,  
INC.,

By his attorneys,

/s/ Keri L. Wintle

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**Certificate of Service**

I, Keri L. Wintle, hereby certify that on October 21, 2016, I caused a copy of the foregoing document and the attachment thereto, which was filed using this Court's ECF system, to be served electronically upon those parties registered to receive ECF service in the above-captioned proceeding.

/s/ Keri L. Wintle

Keri L. Wintle